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1	BILL NO
2	INTRODUCED BY
3	(Primary Sponsor)
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ADULT FOSTER CARE HOMES;
5	ALLOWING A MEDICAID-ENROLLED PROVIDER TO SUBCONTRACT FOR CARE AND ESTABLISH
6	STANDARDS FOR CARE; PROVIDING FOR AN EXPEDITED LICENSURE PROCESS FOR EMERGENCY
7	PLACEMENTS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 50-5-215, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	
11	Section 1. Section 50-5-215, MCA, is amended to read:
12	"50-5-215. Standards for adult foster care homes. (1) The department may adopt rules establishing
13	standards for the licensing of adult foster care homes. The standards must provide for the safety and comfort of
14	the residents and may be adopted by the department only after receiving the advice and recommendations of
15	the state fire prevention and investigation section of the department of justice in relation to fire and safety
16	requirements for adult foster care homes.
17	(2) The rules adopted by the department under this section must establish standards for adult
18	foster care homes in alignment with 42 CFR 441.301 that include standards for the safety and comfort of the
19	individual being served. The standards must:
20	(a) include requirements for the department to complete the process for licensure of a prospective
21	provider within 30 calendar days of the submission of required information, documentation, and fees. The
22	department shall initiate the process for licensure within 72 hours of notification to the department of an
23	emergency placement.
24	(b) allow a provider enrolled in the medical assistance program provided for in Title 53, chapter 6:
25	(i) to utilize subcontractors for care and to have administrative oversight of subcontracted
26	services;
27	(ii) to conduct routine health and safety inspections after the initial licensure process is completed
28	by the department; and



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1	(iii) to create and maintain a written policy and procedures manual describing all services provided
2	in the adult foster care home as required that must be used to establish an onsite manual for each
3	subcontractor in the provision of services in the adult foster care home; and
4	(c) allow a registered nurse representing a provider enrolled in the medical assistance program
5	provided for in Title 53, chapter 6, to delegate limited skilled care needs to a subcontracted provider or direct
6	care staff at the discretion and within the scope of practice of the registered nurse.
7	(3) The department shall promulgate rules in accordance with subsection (2):
8	(a) that outline the administrative oversight required for a provider; and
9	(b) for conducting routine health and safety inspections and outline necessary documentation
10	required for a provider.
11	(4) The department shall assess a \$5 fee for all applications submitted that request an expedited
12	process due to an emergency placement as allowed in subsection (2)(a)."
13	- END -



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